

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1165 OF 2005
IN
SUIT NO.1572 OF 1986

Burjor Sorabji Sidhwa and others).. Plaintiffs

Versus

Zubin N. Mistry and others).. Defendants

And

Usman Mohammed Moulvi).. Applicant

Mr.J.S. Kini for the Applicant.

Mr.Girish Desai i/b.Rajesh Shah & Co. for the Plaintiffs.

Ms.M.C.Nanavati i/b.R.A.K.Saini for the Defendants.

Mr.P.V.Yadav, Representative of Court Receiver, present.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 29TH NOVEMBER 2005

P.C.:

. The Applicant has filed this Chamber Summons seeking permission to pay the royalty and the arrears of royalty which at the time of filing of the Chamber Summons amounted to Rs.9,44,355/- according to the Applicant. The Applicant has sought liberty to pay Rs.50,000/- per month towards occupation of the suit property, Rs.25,000/- towards royalty and Rs.25,000/- towards the arrears of royalty. By another prayer, the Applicant has sought a year's time to deposit the entire

arrears of royalty.

2. Heard Counsel for the parties.

3. The representative of the Court Receiver states that although some payments have been received from the Applicant towards the arrears of royalty, as of today the outstanding amount of royalty is to the tune of Rs.10,44,355/-. This is the amount payable after adjusting the amounts deposited by the Applicant with the Court Receiver.

4. The Applicant will, therefore, deposit an amount of Rupees Five lakhs within three weeks from today with the Court Receiver. The Applicant will also deposit the current month's royalty with the Court Receiver within three weeks from today.

5. The Applicant will deposit Rs.50,000/- with the Court Receiver every month. Rs.25,000/- will be adjusted towards arrears and Rs.25,000/- towards the current months royalty.

6. In the event there is default in depositing the amounts specified in paragraph 4 above, the Court Receiver shall take forcible possession of the suit premises with the help of the police without further

reference to the Court.

7. In the event there is default in depositing the amount stipulated in paragraph 5 above for any two consecutive months, the Court Receiver shall take forcible possession of the suit premises with the help of the police without further reference to the Court.

8. Chamber Summons disposed of accordingly.

9. Certified copy expedited.